

## Legislature of North-Carolina.

### SENATE.

Wednesday, July 8th, 1868.

The Senate met at 10 o'clock, and was opened by prayer by Rev. G. W. Walker, Senator from Guilford.

A message was received from the Governor, stating that the constitution and ordinances of the late Constitutional Convention had been furnished; and that he enclosed all orders in his possession, bearing upon the organization of the present state government.

On motion of Mr. Foraker, the reading of the orders was dispensed with, and a bill entitled—"A bill to extend the Chatham Railroad."

Read first time, and on motion of Mr. Lenoir, was referred to the committee on Internal Improvements.

Mr. Robbins moved to allot the galleries to the colored and white race.

Mr. Galloway moved to amend so that white ladies and gentlemen occupy one side of the galleries, and colored ladies and gentlemen occupy the other; and that the middle aisle gallery by any who choose to occupy it. Carried.

The motion as amended was put and adopted.

The President announced that the gallery on the right of the President's stand, is allotted to the use of the white ladies and gentlemen; and that on the left, to the use of the colored ladies and gentlemen.

Mr. Blythe introduced a resolution appointing a joint committee on salaries and fees. Lies over.

Mr. Moore, of Carteret, called up his resolution in regard to per diem and mileage of the members and officers of the Legislature.

Mr. Blythe moved to amend, so that out of \$10 dollars, and insert "four dollars."

Pending the amendment of Mr. Blythe, Mr. Barrow moved to refer to a joint committee of five, to be appointed for that purpose. Carried.

A message was sent to the House of Representatives notifying that body of the same.

Mr. Walker's resolution to admit to the floor of the Senate, when in a committee of the whole, was taken up and amended by Mr. Brogden, by striking out all in the original resolution after the word resolved—and inserting the following:

"That the several standing committees be authorized to confer from time to time, with the code commissioners, relative to any proper subject of legislation by this general Assembly."

The resolution as amended was adopted.

The committee appointed to superintend the election of an Enrolling Clerk, reported 112 votes cast—of which John A. McDonald received 92, John Syme 20.

The report was read, and Mr. McDonald declared duly elected.

Mr. Davis introduced a resolution in relation to the per diem and mileage of the members and officers of the Legislature.—Lies over.

The resolutions of Mr. Walker in relation to a Penitentiary and a board of public charities were taken up and adopted.

Mr. White called up House bill No. 5, entitled—"An act to provide for the relief of the Sheriff and his sureties of this State."

The bill passed second reading.

Mr. White offered an additional section, which was adopted, and on motion the bill was referred to the committee on the Judiciary.

The President announced that the committee on banks and currency, heretofore appointed, would be considered the committee on Finance.

Mr. White introduced a bill for the relief of the sureties of D. F. Bagley, late Sheriff of Perquimans county.

Read first time.

A motion to read second time was lost.

The President appointed the following committee on pending legislation: Messrs. Lenoir, Walker, Robbins, Beasley, Shoffner, Etheridge and Love.

On motion of Mr. Moore, of Carteret, the Senate adjourned to 104 to-morrow.

### HOUSE OF REPRESENTATIVES.

Wednesday, July 8, 1868.

The House was called to order at 10 o'clock by the Speaker.

Prayer by the Rev. Mr. Shaver, of Rowan.

Mr. Downing asked for leave of absence for the remainder of the week after to-day. Granted.

The Speaker, after giving notice that he should enforce rule 10, bearing on disorderly conduct in the galleries, directed attention to Rule 12, which is as follows:

"Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere to effect their object as shall not interfere with the convenience of the House."

The Speaker said that this rule gives the power of admission or exclusion of reporters to the Chair, subject to such provisions of parliamentary law as are applicable, and with final appeal to the House. It is only in extraordinary instances that reporters are excluded, and usually in such instances for offenses against the dignity of the House, or against an individual member. Jefferson's Manual, page 55, reads as follows:

"The editor of the *Aurora* having in his paper of Feb. 19, 1800, inserted some paragraphs defamatory of the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of this order, it was decided by a majority that every man, by the law of nature, and every body of men, possesses the right of self-defense; that all public functionaries are essentially invested with the powers of self-protection; that they have an inherent right to do all such things as are necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we are enabled to exercise the right of punishing contempt; that the State Legislatures exercise the same power, and every court does the same; that if we have it not, we sit at the mercy of every intruder who may report upon us; and that we are bound to defend ourselves; that if our tranquility is to be perpetually disturbed by newspaper defamations, it will not be possible to exercise our functions with any requisite coolness and deliberation; and that we must, therefore, have a power to punish these disturbers of our peace and proceedings."

The 33rd rule of this House reads as follows:

"Decency of speech shall be observed, and personal reflections avoided."

On page 132 of Barclay's Digest is the following:

"Every member shall confine himself to the question under debate, and avoid personality."

The proceedings of the late Convention, page 15, show that the following resolution was adopted and enforced:

"Resolved, That no reporter for any newspaper shall hereafter be allowed upon this floor, who in his reports shall treat the Convention, or any of its members, with disrespect, but that they shall, in case of offence in this respect, be excluded from the floor of the hall and from the galleries, by the President."

The power of this House to exclude reporters for disrespect, cannot be fairly questioned.

But what is disrespect towards a member, or towards this House?

It will be observed that no one disapproves the tenor of the daily Journal, prepared by the Clerk of the House. An official reporter of the proceedings had here, discharges his duty in a respectful manner; and if he did not, this House, through the

Speaker, would be prompt to correct the error. But members of this House, the presence of each and every gentleman upon this floor, complain to the Speaker that they are disrespectfully spoken of by a reporter for a daily paper in the City. They complain that the Reporter of the *Sentinel*, and all of his reports, inserts after their names the word "negro," which, to them, is personally offensive.

It is a duty of the Chair to protect each member from personal reflection, by an enforcement of the rules of the House in his behalf. Under these circumstances, the Chair rules:

1st. That all Reporters must abstain from personal reflection.

2nd. That they must respect each and every rule of this House.

3rd. That in personal appellations, affixed or prefixed to the names of members, they must conform to the journals of the House; but that known, recognized and accepted distinctions of parties are not objectionable, when not used with insulting epithets.

4th. That failing to obey the rules of this House, Reporters will be hereafter excluded under Rule 12, without further explanation by the Chair.

The Speaker informed the House that he would announce the Standing Committees on to-morrow morning.

Mr. Abbott, from the Select committee on political disabilities, asked instructions as to whether the functions of the committee should be restricted to the question of admitting to seats persons banned by the 14th Article, so-called, or whether their powers extend to the investigation of the special cases.

Mr. Sinclair moved that the committee be authorized to investigate each case upon its own merits.

Mr. Seymour moved to amend by offering the following resolution as a substitute:

"Resolved, That the committee on disabilities be instructed to confine their report to the general question of whether members elected, banned by the Howard amendment, are disqualified from taking their seats."

The amendment was agreed to, and the motion as amended was adopted.

Mr. Abbott gave notice that he would submit his report on to-morrow morning.

A communication from the Code Commissioners was read, acknowledging reception of the invitation to address the House on Monday, the 14th inst.

Mr. Poirer offered the following resolutions:

Resolved by the Senate and House of Representatives of North-Carolina in General Assembly convened, That the Congress of the United States in respect to the removal of all citizens of this State the political disabilities imposed by Article XIV of the Constitution.

Resolved, 2nd, That properly authenticated copies of these resolutions be immediately forwarded to the President of the United States, and the Speaker of the U. S. House of Representatives.

Mr. Poirer advocated the resolutions in a speech of much length, an abstract of which will appear hereafter.

Mr. Ingram offered the resolutions and speech of Mr. Poirer would produce much ill feeling, as the effect of them would be to revive purely dead questions, which ought to sleep in the grave of antiquity, and produce in the patriot and sound judgment of the United States Congress, in whose hands the whole matter rested. He could not, therefore, go the length of Mr. Poirer, and should vote against the resolutions.

Mr. Sinclair approved the resolutions, and said the country demanded this healing measure. With Gen. Grant "Let us have peace." The people want and must have peace. Without regard to race or color, because he believed the existence of so large an element in the country as the colored race, destitute of political rights, would endanger the peace and security of the State.

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forth and forever to an undivided Union.—Manhood suffrage, equal rights before the law, and the maintenance of the public faith and credit. He hoped the resolutions would pass.

Mr. Abbott said that the effect of the passage of the resolutions would be to debauch our whole State politics. The gentleman from Robeson (Mr. Sinclair) had sometimes said his baggage over to the Conservatives, and he (Mr. A.) thought that he had better follow after it. [Applause.]

Mr. Sinclair rose to a point of order; but no point being made out, Mr. Abbott was allowed to continue.

Mr. Sinclair, who said that Mr. Sinclair spoke the other day of sending the olive branch; but said Mr. A., I want to see these people come to us with the olive branch, and then I am willing to meet them cordially. But no long pause. State teams with four-mouth abuse by these parties of the State government, and of persons supporting the reconstruction acts, I shall oppose any action like that contemplated by the resolutions. I fought four years to protect the government, and am not to be duped now to take the first step towards letting these people get control again. Were the element opposed to Republicanism to get in power, it would uproot manhood suffrage, and restore the national debt, and burden the people of the State with the debt of the so-called Confederacy. I would like, sir, to see all relieved; but while they stand aloof, and assail so bitterly every man who defends the Union, I shall wash my hands of this movement. When they join hands with us, and cease their mode of procedure, then we can be brethren. I therefore move that the House adjourn until to-morrow morning.

Mr. Proctor moved to amend the motion to adjourn by withdrawing the motion to ask Mr. Sinclair what part of Robeson he represented when

Mr. Abbott, interrupting, pressed his motion to adjourn, which was put and carried.

### SENATE.

Thursday, July 9, 1868.

The Senate met at 10 o'clock, the President in the Chair.

Prayer by Rev. F. P. Brewer.

Mr. Sweet from the Judiciary committee reported several unimportant amendments to the bill in regard to marriage licenses.—The amendments were accepted, and the bill ordered to be engrossed and printed.

Mr. Winstead of the Judiciary committee reported favorably upon the bill for the relief of Sheriffs and their sureties of this State.

The report was adopted.

Several Senators gave notice of the future introduction of bills.

Mr. Galloway introduced a bill providing for the election of three inspectors for the city of Wilmington. Lies over.

Mr. Love introduced a resolution requesting the President to allow John H. McLaughlin, Senator from Ireland, to take his seat before taking the test oath.

Mr. Love moved to suspend the rules, and put the resolution upon its passage.

Mr. Moore, of Carteret, moved to lay the motion to suspend the rules on the table.

The yeas and nays were called, and the motion laid on the table.

Yeas—Messrs. Barrow, Beasley, Bellamy, Beaman, Blythe, Colgrove, Cook, Davis, Eppes, Galloway, Hall, Legg, Long, Moore, of Carteret, Rich, Respass, Richardson, Smith, Shoffner, Swain, Wind—29.

Nays—Messrs. Barnes, Brogden, Eaves, Etheridge, Forkner, Hayes, Hyman, Lindsey, Love, Martindale, Moore, of Yadon, Melchor, Mason, Purdie, Robbins, Sweet, Wilson—18.

Mr. Hyman introduced a resolution instructing the committee on propositions and grievances, to report a bill prohibiting the distillation of corn and wheat in this State. Lies over.

Mr. Shoffner introduced a resolution in regard to county commissioners. Lies over.

The President announced the following committees:

On Propositions and Grievances—Messrs. Walker, Hayes, Moore, of Carteret and Respass.

State Prison and Penitentiary—1st Congressional District, Wm. Barrow.

2d " D. J. Rich.

3d " A. H. Galloway.

4th " John Barrow.

5th " G. W. Walker.

6th " C. Melchor.

7th " James Blythe.

Per Diem and Mileage—Moore, of Carteret and Shoffner.

The resolution of Mr. Davis in reference to the per diem and mileage was taken up and referred to the committee on that subject.

On motion of Mr. Barrow, a bill entitled "a bill for the relief of the Sheriff of Northampton," was taken up and passed its second reading.

A message was received from the House of Representatives announcing the following committee on per diem and mileage: Messrs. Lenoir, Walker and Galloway.

House bill No. 7, entitled "a bill to change the name of the town of Smithville in the county of Johnston," was taken up and passed second reading.

Mr. Blythe introduced a resolution appointing a committee of three on the part of the House of Representatives and two on the part of the Senate, to prepare a bill providing for the salary and fees of the officers of the State.

Mr. Rich moved to amend by making the committee eight on the part of the House of Representatives, and five on the part of the Senate.

The resolution passed, and a message was sent to House of Representatives notifying that body of the same.

Mr. Robbins introduced a bill continuing the Board of Commissioners of the town of Salisbury.

On motion of Mr. Robbins, the rules were suspended and the bill passed its first and second readings.

A motion to suspend the rules and put the bill upon its third and last reading did not prevail.

On motion of Mr. Etheridge the bill was referred to the committee on corporations.

Mr. White called up House bill No. 5, providing for the relief of Sheriffs and sureties of this State.

A motion to suspend the rules and put the bill upon its third and last reading did not prevail.

On motion of Mr. Robbins the vote to suspend the rules was reconsidered, and the bill passed its third and last reading.

Mr. Cook introduced a resolution appointing a standing committee on Immigration.

Mr. Barrow moved that when the Senate adjourn, it adjourned to 10 o'clock each